

1 THE CLERK: 11 CR 50062, U.S.A. v. Dayton Poke.

2 MR. PEDERSEN: Good morning, your Honor. Joe Pedersen
3 on behalf of the United States.

4 THE COURT: I believe we have the defendant's attorney
5 on the phone; is that correct?

6 MR. HENDERSON: Yes, your Honor. This is Peter
7 Henderson with the Federal Defender's Office in Central
8 Illinois.

9 THE COURT: Good morning.

10 MR. HENDERSON: Good morning.

11 THE COURT: This case comes before the court on the
12 defendant's attorney's motion to withdraw. Mr. Henderson, have
13 you been able to contact Mr. Poke to find out what his position
14 is on your motion?

15 MR. HENDERSON: I haven't in the past two weeks. I've
16 spoke with his counselor this week, who promised that he would
17 give me a call back, but I haven't gotten the call back,
18 unfortunately.

19 I had discussed when the appeal was still pending the
20 procedures that typically take place in terms of our office is
21 appointed simply for the appeal, and if it were to go back that
22 a new attorney would be appointed for him. So, I believe he
23 understands that, but I haven't been able to confirm that in the
24 past two weeks.

25 THE COURT: You know, Mr. Henderson, what I think we

1 need to do is at least give him notice of your motion to have
2 him weigh in on it one way or the other.

3 MR. HENDERSON: Certainly.

4 THE COURT: I wonder if we could set this matter for
5 two weeks. That will give you plenty of time to get notice to
6 Mr. Poke.

7 MR. HENDERSON: Judge, if maybe I could suggest a month
8 out. Just my experience with BOP is that mail in and out is
9 very slow. And so, I'm not sure if I would have an answer in
10 two weeks.

11 THE COURT: Well, actually, you don't need -- we don't
12 need to get an answer. I don't think that Mr. Poke can
13 hamstring these proceedings just by not responding.

14 MR. HENDERSON: Sure, sure.

15 THE COURT: But why don't we set it for October 2nd
16 then.

17 MR. HENDERSON: That would be -- well, actually, your
18 Honor, I believe I'm in the Court of Appeals on that day. Yeah,
19 I'll be in the Court of Appeals on that day. Is there another
20 date that would work well for the court?

21 THE COURT: Let's say October 7th.

22 MR. HENDERSON: That would work fine with me. Thank
23 you, your Honor.

24 THE COURT: Give notice to Mr. Poke and then send to us
25 as quickly as you can your certificate showing that you've sent

1 him notice, and hopefully he will respond. If he doesn't, I'll
2 just proceed without his participation.

3 MR. HENDERSON: Okay.

4 THE COURT: Thank you very much.

5 MR. HENDERSON: Thank you, your Honor.

6 THE COURT: You're welcome.

7 MR. PEDERSEN: Thank you, your Honor.

8 THE CLERK: What time?

9 THE COURT: 9:00 o'clock.

10 Mr. Henderson, are you still on the phone?

11 MR. HENDERSON: Yes, I'm still here.

12 THE COURT: My clerk just reminded me that I didn't say
13 the time. So, your notice should reflect that I've set it for
14 9:00 o'clock on the 7th.

15 MR. HENDERSON: Okay. Thank you very much. And,
16 actually, I had one more request. Is it possible for the clerk
17 to add me to the docket so I get notice of any filings that
18 might occur?

19 THE CLERK: You need to file your appearance if you
20 want notice.

21 MR. HENDERSON: Okay. Thank you very much.

22 THE COURT: That's it.

23 (Which were all the proceedings had in the above-entitled
24 cause on the day and date aforesaid.)

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1 I certify that the foregoing is a correct transcript from
2 the record of proceedings in the above-entitled matter.

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/s/ Mary T. Lindbloom

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Official Court Reporter

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